

Notice of Allowability

Application No.

10/666,159

Examiner

Jerry Redman

Applicant(s)

STOUT, FRED T.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview on 1/27/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11, 12, 10, 13-15, and 17-19 renumbered as 1-18 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ ;
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/19/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached hereto .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other drawing changes.

Art Unit: 3634

The following changes have been made to Figure 2, element "22" in both occurrences has been changed to --20-- and element 10 (the one pointing at the door) has been changed to --12--. In Figure 3, element "30" has been changed to include a lead line arrow.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following changes have been made to the specification:

On page 2, line 15, "Velcro" has been changed to --VELCRO--;

On page 10, line 13, "Velcro" has been changed to --VELCRO--; and

On page 12, line 12, "Teflon" and "Delrin" has been changed to --TEFLON-- and --DELRIN-- respectively.

In claim 1, lines 1-2, "for the gap of a hinged door when open, said guard" has been deleted;

In line 7, "the" first occurrence has been changed to --an--;

"the" second occurrence has been changed to --a--;

"the" third occurrence has been changed to --a--;

In line 8, after "to", --one of-- has been inserted;

“or a” has been changed to –and--;

In line 13, “two adjacent elements” has been changed to
--one of said first and second mounting elements and said at least one additional
element--;

In line 17, “other” has been changed to –additional--;

In line 20, “other adjacent” has been changed to –additional--;

In claim 2, lines 1-2, “outer curved” has been changed to –convex semi-circular--;

In line 3, “elements” has been changed to –mounting elements and said at
least one additional element--;

In claim 3, line 2, “each of the adjacent elements” has been changed to
--the mounting elements and said at least one additional element when adjacent to one
another--;

In line 3, “element” has been deleted and –all of—has been inserted after
“when”;

In claim 5, line 2, “a” first occurrence has been changed to –one of said— and
“or to” has been changed to –and--;

In line 3, “a” has been changed to –said--;

In claim 6, line 2, “Velcro” has been changed to –VELCRO--;

In line 3, after “on”, --one of—has been inserted and “or” has been changed to --and said door--;

In line 4, “a” has been changed to --said—and “the element” has been changed to --one of said first and second mounting elements--;

In line 5, after “to”, --one of—has been inserted and “door or the” has been changed to --doorjamb or the door--;

In claim 7, line 3, after “the” second occurrence --at least one additional—has been inserted;

In claim 8, line 1, after “1”, --wherein said at least one additional element—has been inserted;

In line 2, after “surface”, --forming a body portion and—has been inserted and “at” has been changed to --said--;

In lines 2-5, “, each edge forming a flange having a concave semi-circular seat facing the seat on the other flange, and a contact surface comprising a planar portion and a convex semi-circular portion” has been deleted;

In claim 9, line 1, after “precluding”, --all of—has been inserted;

In line 3, “elements” has been changed to --first and second mounting elements and the at least one additional element—and after “biasing”, --all of—has been inserted;

In claim 10, line 2, "the" second occurrence has been changed to --a--;

In claim 11, line 2, "a" has been changed to --said--;

In claim 12, line 1, "two" has been changed to --first and second--;

In line 2, after "to", --said at least one additional element in a form of—has been inserted;

In claim 13, line 2, "jamb" has been changed to --doorjamb--;

In line 4, "the" first occurrence has been changed to --an—and "jamb" has been changed to --doorjamb--;

In line 6, "the" has been changed to --a--;

In line 20, "element" has been changed to --of said first and second elements--;

In line 21, "an adjacent" has been changed to --said at least one additional--;

In line 22, "mounting elements" has been changed to --said first and second elements and said at least one additional element--;

In claim 14, line 2, after "to", --said at least one addition element in a form of—has been inserted;

In claim 15, lines 1-2, after "the mounting elements" has been changed to --one of said first and second elements and said one additional element--;

In line 2, "a" has been changed to ~~the~~ and "the", second occurrence has been changed to ~~a~~;

In line 3, "the" second occurrence has been changed to ~~a~~;

Claim 16 has been cancelled;

In claim 17, line 2, "outer" has been deleted;

In line 3, "the" first occurrence has been changed to ~~a~~ and "of the elements" has been deleted;

In claim 18, line 2, "the" first occurrence has been changed to ~~a~~, "the" second occurrence has been changed to ~~a~~, and "of the" second occurrence has been deleted;

In line 4, "the" first occurrence has been changed to ~~a~~;

In line 6, "the" first occurrence has been changed to ~~a~~;

In line 12, "," has been deleted;

In line 20, "element" has been changed to ~~of said first and second mounting elements~~

In line 21, "an adjacent" has been changed to –said at least one additional--;

In claim 19, lines 1-2, "the mounting elements" has been changed to –one of the first and second mounting elements and said at least one additional element--;

In line 2, "a" has been changed to –the—and "the" second occurrence has been changed to –a--; and

Claim 20 has been cancelled.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daugherty on 1/27/2005.

Claims 1-9, 11, 12, 10, 13-15, and 17-19 renumbered as 1-18 respectively are allowable.

The following is an examiner's statement of reasons for allowance: the recitation of a protective guard comprising first and second mounting elements forming flanges having a concave semi-circular seat and a contact surface having a planar portion and a convex semi-circular portion, at least one addition element having a flange forming a concave semi-circular seat and a contact surface having a planar portion and a convex semi-circular portion, and a C-clamp pivotally joining one of the first and second

Art Unit: 3634

mounting elements and the at least one addition element together with the C-clamp having a base and two arms with each arm terminating in a semi-circular bead and pivotally engaged with the semi-circular seat of the mounting elements and the at least one additional and the contact surfaces of adjacent elements are in contact with one another is seen as an unobvious improvement over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner